

§ 803.3 Definitions.

For purposes of this part, the words listed in this section are defined as follows:

Agricultural water use. A water use associated primarily with the raising of food or forage crops, trees, flowers, shrubs, turf, aquaculture and livestock.

Application. A request for action by the commission in written form including without limitation thereto a letter, referral by any agency of a signatory party, or an official form prescribed by the commission.

Basin. The Susquehanna River basin.

Commission. The Susquehanna River Basin Commission, a body politic created under Article 2, Section 2.1 of the compact.

Compensation. Water utilized or provided from storage as makeup for a consumptive use.

Comprehensive plan. The "Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin" prepared and adopted by the commission pursuant to Article 3, Section 3.3 of the compact.

Construction. Clearing or excavation of the site or installation of any portion of the project on the site.

Consumptive use. Consumptive use is the loss of water from a ground-water or surface water source through a man-made conveyance system (including such water that is purveyed through a public water supply system), due to transpiration by vegetation, incorporation into products during their manufacture, evaporation, diversion from the Susquehanna River basin, or any other process by which the water withdrawn is not returned to the waters of the basin undiminished in quantity. Deep well injection shall not be considered a return to the waters of the basin.

Dedicated augmentation. Release from an upstream storage facility which is required for any other instream or withdrawal use.

Deep well injection. Injection of waste or wastewater substantially below aquifers containing fresh water.

Diversion. The transfer of water into or from the basin.

Executive Director. The chief executive officer of the commission ap-

pointed pursuant to Article 15, Section 15.5 of the compact.

Facility. Any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful, or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; of the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them. For purposes of this part and every other part contained in this chapter, a facility shall be considered a project (see definition of project in this section).

Governmental entity. The federal government, the signatory states, their political subdivisions, public corporations, public authorities and special purpose districts.

Ground-water source. (1) Pumped wells or well fields;

(2) Flowing wells;

(3) Pumped quarries, pits, and underground mines having no significant surface water inflow (significant meaning that any surface water inflow is greater than the withdrawal); or

(4) A spring in which the water level is sufficiently lowered by pumping to eliminate the surface flow. All other springs will be considered to be surface water.

Person. An individual, corporation, partnership, unincorporated association, and the like and shall have no gender and the singular shall include the plural.

Pre-compact use. The maximum average quantity or volume of water consumptively used over any consecutive 30 day period prior to January 23, 1971 expressed in "gallons per day" (gpd).

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Project. Any work, service, or activity which is separately planned, financed, or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

Signatory party. The States of Maryland and New York, the Commonwealth of Pennsylvania, and the United States of America.

Signatory state. The States of Maryland and New York, the Commonwealth of Pennsylvania.

Sponsor. Any person or governmental entity proposing to undertake a project. The singular shall include the plural.

Surface water source. Any river, perennial stream, natural lake or pond, spring, wetland or other body of surface water situated in the basin.

Susquehanna River basin. The area of drainage of the Susquehanna River and its tributaries into the Chesapeake Bay to the southern edge of the former Pennsylvania Railroad Bridge between Havre de Grace and Perryville, Maryland.

Water(s). Surface and ground water(s) contained within the Susquehanna River basin either before or after withdrawal.

Withdrawal. A taking or removal of water from any source within the basin for use within the basin.

[60 FR 31394, June 15, 1995; 63 FR 32124, June 12, 1998]

§ 803.4 Projects requiring review and approval.

(a) The following projects are subject to review and approval by the commission and require an application to be submitted to the commission in accordance with the procedures outlined in § 803.23:

(1) Projects on or crossing the boundary between two signatory states;

(2) Projects involving the diversion of water;

(3) Projects resulting in a consumptive use of water exceeding an average of 20,000 gallons per day (gpd) for any consecutive thirty-day period or such other amounts as stipulated in § 803.42;

(4) Projects withdrawing in excess of an average of 100,000 gpd for any consecutive thirty-day period from a ground-water or surface water source or such other amounts as stipulated in §§ 803.43 and 803.44; and

(5) Projects which have been included by the commission in its comprehensive plan.

(b) Sponsors of projects who feel that their projects are likely to be classified as requiring the commission's approval may request that the executive director waive the "request for determination" procedure and may thereafter proceed directly to the filing of an application for approval.

§ 803.5 Projects which may require review and approval.

The following projects, if not already covered under § 803.4, may be subject to commission review and approval and require, in accordance with the procedures outlined in § 803.22, a "request for determination" to be submitted to the executive director:

(a) Projects which may change interstate water quality standards or criteria.

(b) Projects within a signatory state that have the potential to affect waters within another signatory state. This includes but is not limited to projects which have the potential to alter the physical, biological, chemical or hydrological characteristics of water and related natural resources of interstate streams designated by the commission under separate resolution.

(c) Projects which may have a significant effect upon the comprehensive plan.

(d) Projects not included in paragraphs (a) through (c) of this section, but which could have an adverse, adverse cumulative, or interstate effect on the water resources of the basin; provided that the project sponsor is notified in writing by the executive director that it shall submit a "request for determination".